



The following constitutes
the order of the court. Signed September 13, 2011



Roger L. Efremsky
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
DIANNE ELAINE BROWNLEE,

Debtor.

CHASE BANK USA, N.A.,

Plaintiff,

vs.

DIANNE ELAINE BROWNLEE,

Defendant.

Case No. 11-40359 RLE

Chapter 7

Adversary Proceeding No. 11-4087

Date: October 6, 2011
Time: 11:00 a.m.
Place: Courtroom 201

ORDER TO SHOW CAUSE

This Order to Show Cause is made with reference to the following facts:

1. The above-entitled adversary proceeding was filed by Plaintiff Chase Bank USA, N.A., by and through its counsel, Jerome A. Yelsky, on March 22, 2011. The complaint sought a judgment of nondischargeability in the amount of \$4,360, pursuant to 11 U.S.C. §§ 523(a)(2).
2. The summons was issued on March 25, 2011.
3. Defendant, acting in pro se, filed an answer on April 19, 2011, denying virtually all of the allegations in the Complaint.

1 4. At a case management conference held on July 13, 2011, the Court continued the matter
2 to August 2, 2011, and ordered Plaintiff to submit a declaration including a detailed list of charges
3 (with attachments) incurred by Defendant no later than 7 days prior to the continued hearing.

4 5. On July 25, 2011, the August 2, 2011 case management conference was continued to
5 September 6, 2011, due to the Court's unavailability.

6 6. On August 9, 2011, Plaintiff filed a Stipulation for Entry of Judgment and Settlement
7 Agreement, which purported to settle the matter for \$2,100.

8 7. Also on August 9, 2011, Mr. Yelsky uploaded a proposed Judgment, which contained
9 terms consistent with the Stipulation.

10 8. On August 11, 2011, the Court returned the proposed Judgment to Mr. Yelsky as
11 defective, with the following notes:

12 Your proposed order is being returned for the following reason:
13 At the last hearing, Judge Efremsky specifically asked counsel to provide the
14 Court with a detailed accounting and statement regarding the charges in
15 question. The Court will not consider the stipulation until it has the accounting.

16 If you would like the Court to reconsider your proposed order, please address
17 the above and resubmit.

18 9. On September 6, 2011, Mr. Yelsky uploaded a second proposed Judgment.

19 10. On September 7, 2011, the Court returned the second proposed Judgment to Mr. Yelsky
20 as defective, with the following notes:

21 Your proposed order is being returned for the following reason:
22 At the last hearing, Judge Efremsky specifically asked counsel to provide the
23 Court with a detailed accounting and statement regarding the charges in
24 question. The Court will not consider the stipulation until it has the accounting.

25 If you would like the Court to reconsider your proposed order, please address
26 the above and resubmit.

27 11. Later on September 7, 2011, Mr. Yelsky uploaded a third proposed Judgment.

28 12. As of the date of this Order to Show Cause, Mr. Yelsky has not complied with the
Court's oral order of July 13, 2011. Specifically, he has not provided the detailed accounting and
statement regarding the charges in question.

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1 13. The Court does not intend to sign any Judgment until the accounting and statement(s)
2 are provided.

3 On the Court's own motion, therefore, and pursuant to 11 U.S.C. § 105(a),

4 IT IS HEREBY ORDERED that Plaintiff and/or Mr. Yelsky shall appear on October 6,
5 2011, at 11:00 a.m. and show cause why Plaintiff and/or Mr. Yelsky should not be sanctioned, or the
6 adversary proceeding should not be dismissed, for their continued failure to comply with the Court's
7 oral order.

8 IT IS FURTHER ORDERED that failure to appear at this hearing may result in dismissal
9 of the adversary proceeding without further notice.

10 * * * * END OF ORDER * * * *

UNITED STATES BANKRUPTCY COURT

For The Northern District Of California

1 Court Service List: [by ecf and/or mail]

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